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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Pablo Trejo ,)	No. CV-04-2189-PHX-FJM
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Joseph M. Arpaio, Individually; and)	
Joseph M. Arpaio, as Maricopa County)	
Sheriff for Maricopa County Sheriff's)	
Office,)	
)	
Defendant.)	
)	

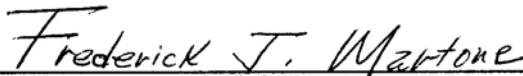
The court has before it Defendant's Motion to Dismiss for failure to exhaust administrative remedies (doc. 9). Plaintiff did not respond to the motion. Defendant served his Motion to Dismiss on Plaintiff on July 17, 2005. The Motion was thereafter mailed a second time to Plaintiff on July 28, 2005. An order was entered by this court requiring Plaintiff's response to the Motion no later than September 5, 2005. Plaintiff is now well beyond that filing deadline, but still has failed to respond.

Defendant moves this court to dismiss this action pursuant to Rule 12(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to exhaust his administrative remedies as mandated by 42 U.S.C. § 1997e(a). Plaintiff acknowledges in his Complaint that there are administrative remedies available and that he has not exhausted those remedies. Plaintiff's claims are therefore not properly before this court.

1 Moreover, Plaintiff's failure to respond to the Motion to Dismiss serves as an additional,
2 independent reason to grant the motion. Failure to respond to a motion "may be deemed a
3 consent to the . . . granting of the motion, and the Court may dispose of the motion
4 summarily." LRCiv 7.2(i).

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6 Accordingly, **IT IS ORDERED, GRANTING** Defendant's Motion to Dismiss (doc.
7 9).

8 DATED this 7th day of October, 2005.

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13 Frederick J. Martone
14 United States District Judge
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